



Senate Judiciary Committee

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SB 257: Creating a presumption of child's equal time with parents

Presented by:

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Testimony of:

Trisha Thomas, Director of Child Support Services
Kansas Department for Children and Families
Topeka, Kansas

Testimony on:

SB 257 – Creating a presumption of child’s equal time with parents during court determinations of legal custody, residency or parenting time.

Chairman Wilborn, Vice Chair Lynn, Ranking Member Haley and Members of the Committee:

Good morning, I am Trisha Thomas, Director of Child Support Services (CSS) at the Kansas Department for Children and Families (DCF). I appreciate the opportunity to submit written-only neutral testimony regarding Senate Bill 257, neutral. DCF’s motto is, “strong families make a strong Kansas.” That is to say, the state we call home, is as strong as the families it produces. A parent actively involved in the life of their child is certainly a good thing, and DCF is constantly evaluating policies that encourage this end. The testimony DCF has provided addresses only the potential fiscal impact SB 257 may have on our agency and not the impact regarding family law and practice.

The Child Support Services (CSS) program at the Kansas Department for Children and Families (DCF) administers the State’s child support establishment and enforcement activities under the authority of Title IV-D of the Social Security Act. CSS is charged with establishing and enforcing support obligations for more than 139,000 cases affecting Kansas’ children. Our primary mission is to ensure these children receive adequate support from their parents. The federal government measures our performance in five key areas of the program: 1) paternity-establishment percentage; 2) percentage of cases with established support orders; 3) collection of current support; 4) collection of support arrears; and, 5) cost-effectiveness ratio. The Kansas program is established in K.S.A. 39-753. Currently, there is not a consistent method to address parenting time in IV-D cases, as it is not brought forth in our filings. The IV-D attorneys have an attorney-client relationship only with the Secretary of DCF (K.S.A. 39-756 (e)), and do not represent any of the parties in the legal action. CSS files approximately 10,000 petitions each year to establish paternity and/or a support obligation.

The IV-D program on a national level is interested in encouraging more parental involvement, because there are indications that parents who have a stronger parent-child relationship are more willing to pay their child support on time and in full. While the Kansas IV-D program is not currently responsible for establishing parenting time orders at the time of establishing support, this bill may be helpful to some of the parents involved in our program.

CSS is not able to use its IV-D federal funding to assist in obtaining orders for parenting time. However, we do administer Temporary Assistance for Needy Families (TANF)-funded fatherhood grants to programs that do help build parenting skills and assist with employment. For those parents who complete the programs and owe the State debt, CSS has established an incentive program to reduce debt that is only owed to the State

of Kansas. For example, we recognize that obtaining a GED or high school diploma, or attending parenting classes in a recognized program, provides an obligor with valuable resources on how to better engage with their children and the children's parent, to foster a positive working relationship. We reduce their State-owed debt to reward this change without impacting the financial situation of the custodial parent.

However, this bill may impact the child support client. The CSS client is a parent or guardian who applies for child support services through a voluntary application or through mandatory cooperation, as he/she is receiving cash assistance, child care assistance or food assistance. At this time, a support obligation may be established based upon a presumption of paternity, which allows families who have a parent in prison, absent, have not met the child or are in other challenging domestic situations to obtain financial support without addressing parenting time. However, if equal parenting time was the default custody situation, it would significantly impact the amount of child support that the parent designated to pay the direct expenses would receive.

Currently, when parties fail to participate in the domestic action, the parent seeking support is deemed the custodial parent, and the other parent is obligated to pay child support, per the guidelines. If parents participate in the domestic action, an order is crafted to address the financial needs of the child or children of the parties, and sometimes the parenting time is addressed when requested by the parties. However, this bill mandates a parenting time order of "equal or approximately equal time" if "the parties have not entered into a parenting plan," and will allow those who do not participate in the domestic action or who are unable to exercise parenting time due to distance or incarceration, the right to equal parenting time. This bill removes the discretion of the judge to make the factual determinations necessary to provide children with a fair order of support by stating, "The presumption may be overcome only by clear and convincing evidence and the court may make a different determination if the court makes specific findings of fact".

To illustrate how equal parenting time impacts a child support worksheet, we prepared four child support worksheets for your review, based upon typical household situations. For these examples, we did not include any other adjustments that may be available to a family. The amount is what the obligor would pay each month. Parent A is designated as the parent who is paying the direct expenses of the child or children. Parent B is the obligor.

Worksheets one and two reflect a household in which there is one child under the age of five, and both parents earn minimum wage. Child support would be \$199 and changes to \$53 when equal parenting time is included. When additional children are included, the obligation becomes \$471 for three children (one in each age category), and \$123 after adjusting for equal parenting time.

Worksheets three and four reflect a household in which there is one child under the age of five, and one parent is earning minimum wage, and one parent is earning the 2016 median household income for Kansans of \$54,935 (Kansas Household Income). This is the situation that is encountered when one parent who is not currently in the workforce suddenly reenters the workforce due to a relationship change. Child support would be

\$626, and changes to \$347 when equal parenting time is included. When additional children are included, the obligation is \$1,425 for three children (one in each age category), and \$790 after adjusting for equal parenting time.

DCF's fiscal note references the impact that implementation of this program might have on the child support program. Our current staffing levels pertain to establishing and enforcing the financial obligation of parties, which is highly federally funded. We do not have the financial or staff resources to assist in establishing parenting time orders, nor will the federal government fund parenting time orders for the IV-D program. If that responsibility was designated to the IV-D program, DCF would need considerable financial resources to be allocated for its implementation and maintenance; and, would need to have a child support appropriation to fund the program due to reduction in child support collections. DCF believes that the impact of this bill on other programs would be minor.

Thank you for the opportunity to testify regarding this bill today. I will be glad to stand for any questions you may have.